

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARY JEAN ELICAN, *et al*,

Plaintiffs,

v.

ALLSTATE INSURANCE COMPANY,

Defendant.

CIVIL ACTION
NO. 17-03105

ORDER

AND NOW, this 21st of December, 2017, upon consideration of Defendant's Motion for Judgment on the Pleadings (ECF No. 6), Plaintiffs' Opposition (ECF No. 9), and Defendant's Reply (ECF No. 12), it is hereby **ORDERED** that:

1. Defendant's Motion for Judgment on the Pleadings is **DENIED**;
2. Count I, pertaining to Tony McCloud, is **DISMISSED**;
3. Counts II and III are **DISMISSED**.

Plaintiffs shall file an Amended Complaint consistent with the accompanying Memorandum on or before January 3, 2018.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.